

Regular Session, 2009

SENATE BILL NO. 144

BY SENATOR DUPLESSIS

SPECIAL DISTRICTS. Provide for the Creation of Lower Ninth Ward Neighborhood Advisory Commission. (8/15/09)

AN ACT

To enact Chapter 30-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9100.31 through 9100.43, relative to New Orleans; to establish and provide for the membership, duties, powers, and functions of the Lower Ninth Ward Neighborhood Advisory Commission; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 30-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9100.31 through 9100.43, is hereby enacted to read as follows:

CHAPTER 30-B. LOWER NINTH WARD NEIGHBORHOOD

ADVISORY COMMISSION

§9100.31. Definitions

Whenever used in this Chapter, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following interpretations:

(1) "Area" means the neighborhoods in Lower Ninth Ward that are represented on the commission membership.

1 (2) "Commission" means the Lower Ninth Ward Neighborhood
2 Advisory Commission.

3 (3) "Governing authority" means the governing authority of the city of
4 New Orleans.

5 §9100.32. Lower Ninth Ward Neighborhood Advisory Commission established

6 The Lower Ninth Ward Neighborhood Advisory Commission is hereby
7 created. The commission shall constitute a body corporate in law, with all the
8 powers of a corporation, and with all the powers and rights of a political
9 subdivision of the state as provided by the constitution and laws of this state.

10 §9100.33. Commission's neighborhood area; domicile

11 A. The commission area shall include each neighborhood in the Lower
12 Ninth Ward that is represented on the commission.

13 B. The commission shall designate its domicile at a place within that
14 area.

15 §9100.34. Purposes

16 A. The commission is established for the primary object and purpose of
17 advising the appropriate governmental entities on matters of government
18 policy.

19 B. Within the commission's area, the commission shall:

20 (1) Present and further the interest of the individual homeowners in the
21 area to aid in the preservation of property values and to improve the character
22 and integrity of individual residential neighborhoods.

23 (2) Educate and inform member neighborhood organizations on matters
24 and issues of general interest.

25 (3) Participate in planning and improvement.

26 (4) Participate with community-based organizations which seek to
27 improve the community environment.

28 §9100.35. Commission membership

29 A. The commission shall consist of the president from each duly

1 organized nonprofit organization representing single-family homeowners in the
2 Lower Ninth Ward which requests membership on the commission.

3 B. Each representative appointed by a president for membership on the
4 commission shall be an elector of and be domiciled within his respective
5 neighborhood.

6 C. Commission members shall serve without compensation.

7 D.(1) The term of each commission member who is an appointed
8 representative of an organization shall be two years. A member may be
9 appointed for a succeeding term; however, no such member shall serve more
10 than three consecutive terms.

11 (2) A commissioner shall serve until his successor has been appointed
12 and qualified.

13 (3)(a) Any appointed representative member of the commission who
14 ceases to be domiciled in his respective neighborhood shall be considered to
15 have resigned, and the position shall be declared vacant.

16 (b) A vacancy on the commission shall be filled in the manner of the
17 original appointment for the remainder of the unexpired term.

18 (4) No elected official in the legislative branch of state government may
19 serve as a member of the commission.

20 E. Each commission member shall have a vote at commission meetings.

21 **§9100.36. Commission officers**

22 A. Annually, the commission shall elect from its membership a
23 chairman, vice chairman, secretary, and such other officers as it deems
24 appropriate.

25 B. The chairman shall be the chief executive officer of the commission,
26 shall manage its affairs and operation, subject to the rules and regulations and
27 bylaws adopted by the commission and the executive board, and shall preside
28 at meetings of the commission and of the executive board.

29 C. The vice chairman shall perform the duties of the chairman in his

1 absence.

2 D. The secretary shall be responsible for ensuring appropriate notice of
3 meetings of the commission and ensuring that the executive board is provided
4 with recordings of the proceedings of the meetings of both the commission and
5 the executive board. He shall also maintain the minute books and archives of the
6 commission and the executive board.

7 E. Additional officer duties may be fixed by bylaws adopted by the
8 commission.

9 §9100.37. Commission meetings

10 A. The commission shall hold regular meetings as shall be provided in
11 the bylaws and may hold special meetings at such times and places within the
12 commission's area designed to reasonably accommodate the residents of the
13 area attending the meeting as may be provided in the bylaws. Special meetings
14 may be called by the chairman or by the executive board and shall be called by
15 the chairman upon written request of at least ten percent of the total
16 commission membership.

17 B. Notice of regular or special commission meetings shall be provided to
18 each commission member at least two days prior to the meeting.

19 C. The presence of at least forty percent of the total commission
20 membership shall constitute a quorum for the transaction of business.

21 D. The commission shall keep and maintain minutes of all meetings and
22 shall make a copy of such minutes available through the commission's secretary.

23 E. At any meeting, the commission may consider and make
24 recommendations on matters before it, including actions or proposed actions of
25 the governing authority, the mayor, or any other agency, department, board,
26 commission, or other entity of local or state government.

27 F. A portion of each commission meeting shall be set aside to hear the
28 views of area residents and other affected persons on problems or issues of
29 concern within the area and on proposed actions that affect the area.

1 G. The commission shall establish a method to ensure the broadest
2 dissemination of information with respect to commission meetings, positions,
3 and actions.

4 §9100.38. Commission powers and duties

5 A. The commission shall:

6 (1) Adopt such rules and regulations as it deems necessary or advisable
7 for conducting its business affairs. The rules and regulations relative to public
8 notice and conduct of public meetings shall all conform with the Open Meetings
9 Law.

10 (2) Have official custody of all monies, funds, and accounts of the
11 commission.

12 B. The commission may:

13 (1) Sue or be sued.

14 (2) Adopt, use, and alter at will a seal and bylaws.

15 (3) Receive and expend funds made available to the commission and in
16 accordance with a budget adopted as provided by R.S. 33:9100.42.

17 (4) Enter into contracts or agreements with individuals or entities,
18 private or public, to carry out its powers and duties and accomplish its
19 purposes.

20 (5) Purchase items and supplies which it deems instrumental to achieving
21 its purposes.

22 (6) Employ an executive director and staff.

23 (7) Acquire, purchase, lease as lessee, and hold and use any property,
24 immovable, movable, corporeal, incorporeal, or any combination thereof or any
25 interest therein necessary or desirable for carrying out its purposes and sell,
26 lease as lessor, transfer, or dispose of any property or interest therein acquired
27 by it.

28 (8) Construct, improve, maintain, repair, and operate facilities which it
29 deems necessary or convenient to carry out its purposes.

1 (9) Pledge all or any part of its revenues.

2 (10) Perform or have performed any other function or activity necessary
3 or appropriate to carry out its purposes.

4 §9100.39. Executive board

5 A. There shall be an executive board of the commission consisting of the
6 commission's officers. The board shall manage the affairs of the commission.
7 The board shall exercise the powers and have general supervision over the
8 affairs of the commission during the interim between meetings of the
9 commission. However, the board shall exercise no policymaking function, nor
10 incur any indebtedness, nor obligate under contract, nor make any
11 disbursement of funds of the commission, except as may have been specifically
12 authorized by the commission.

13 B. The board shall hold regular meetings as shall be provided in the
14 bylaws and may hold special meetings at such times and places within the area
15 as may be provided in the bylaws. Board meetings may be called by the
16 chairman and shall be called by the chairman upon written request of any two
17 members of the board.

18 C. A majority of the members of the board shall constitute a quorum for
19 the transaction of business.

20 D. The board shall keep and maintain minutes of all meetings and shall
21 make a copy of such minutes available through the commission's secretary.

22 §9100.40. Executive director

23 The executive director, with the concurrence of the commission, may
24 hire such staff and other personnel as may be necessary to carry out the
25 directions and instructions of the commission and do other acts as may be
26 directed or authorized by the commission.

27 §9100.41. Advisory authority of commission; official representation

28 A. The commission may advise the governing authority, the mayor, or
29 any other agency, department, board, commission, or other entity of local or

1 state government with respect to all proposed matters of government policy
2 which affect the area, including but not limited to decisions regarding planning,
3 zoning, streets, recreation, social services programs, education, health, safety,
4 budget, and sanitation.

5 B. The governing authority, mayor, or applicable agency, department,
6 board, commission, or other entity of local or state government shall provide at
7 least thirty days written notice to the commission officers of any intent to
8 acquire or dispose of immovable property in the area or any intent to change
9 the use of property owned or leased by the respective governmental entity in the
10 area.

11 C.(1) "Proposed government action" as covered by this Chapter includes
12 but is not limited to action of the governing authority, the mayor, or any other
13 agency, department, board, commission, or other entity of local or state
14 government.

15 (2) Each local or state agency, department, board, or commission, prior
16 to transmitting to the governing authority or other respective governmental
17 entity any proposed revenue bond issuance, or before the formation of any final
18 policy, decision, or guidelines with respect to grant applications, comprehensive
19 plans, requested or proposed zoning changes, variances, public improvements,
20 licenses, or permits affecting the area, the parish budget and goals and
21 priorities, proposed changes in local or state government services delivery, and
22 opening of any proposed specialty systems, shall provide at least thirty days
23 advance notice of the proposed action to each commission officer.

24 D. The issues and concerns raised in recommendation of the commission
25 shall be given great weight during the deliberations of the governing authority,
26 the mayor, or any other agency, department, board, commission, or other entity
27 of local or state government. This requires acknowledgment of the commission
28 as the source of the recommendation and reference to each issue and concern.

29 E. The views of the commission shall only be presented by an officer of

1 the commission or by a commission representative duly selected at a public
2 meeting by the commission to represent its view on the particular issue or
3 proposed action.

4 F.(1) No provision of this Chapter is intended nor shall be construed to
5 impede, interfere with, delay, or supersede any regulatory authority of the
6 governing authority, the mayor, or any other agency, department, board,
7 commission, or other entity of local or state government.

8 (2) No provision of this Chapter is intended nor shall be construed to
9 impede, interfere with, delay, or supersede any licensing functions, rule making,
10 or decision making authority as provided for in the Administrative Procedure
11 Act, formulation of policies and procedures, nor the award of grants by or to
12 any agency.

13 §9100.42. Budget; audit; applicability of other laws

14 A. The commission shall adopt an annual budget in accordance with the
15 Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and
16 all amendments shall be subject to the approval of the governing authority.

17 B. The commission shall be subject to audit by the legislative auditor
18 pursuant to R.S. 24:513.

19 C. Except as otherwise specifically provided in this Chapter, the
20 commission and executive board shall be subject to the Open Meetings Law, the
21 Public Records Law, and the Code of Governmental Ethics.

22 §9100.43. Cooperation with other entities

23 A. The governing authority, the mayor, or any other agency, department,
24 board, commission, or other entity of local or state government may provide the
25 commission with staff support and assistance to enable the commission to
26 perform its duties.

27 B. The commission shall cooperate and may contract with local or state
28 government or any agency, department, board, commission, or other entity
29 thereof and may accept gifts, grants, and donations of property and money

1

therefrom.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Proposed law creates the "Lower Ninth Ward Neighborhood Advisory Commission" ("commission") as a corporate body with all the powers of a corporation, and with all the powers and rights of a political subdivision of the state. The boundaries of the commission will include each neighborhood in the area that is represented on the commission membership.

Proposed law provides that the commission is established for the primary object and purpose of advising the appropriate governmental entities on matters of government policy.

Proposed law provides that the commission shall:

- (1) Present and further the interest of the homeowners in the area to aid in the preservation of property values and to improve the character and integrity of residential neighborhoods.
- (2) Educate and inform member neighborhood organizations.
- (3) Participate in planning and improvement.
- (4) Participate with community-based organizations which seek to improve the community environment.

Proposed law provides that the commission will consist of the president from each duly organized nonprofit organization representing single-family homeowners in the area which requests membership on the commission. Proposed law further provides that each representative appointed by a president for membership on the commission will be an elector of and be domiciled within his respective neighborhood.

Proposed law provides that the term of each commission member who is an appointed representative of an organization will be two years; however, no such member will serve more than three consecutive terms. No elected official in the legislative branch of state government may serve as a member of the commission. Each commission member will have a vote at commission meetings.

Proposed law provides that annually, the commission will elect from its membership a chairman, vice chairman, secretary, and such other officers as it deems appropriate.

Proposed law provides that the commission will hold regular meetings and may hold special meetings at such times and places within the commission's area designed to reasonably accommodate the residents of the area attending the meeting as may be provided in the bylaws.

Proposed law provides that notice of regular or special commission meetings will be provided to each commission member at least two days prior to the meeting.

Proposed law provides that the presence of at least 40% of the total commission membership will constitute a quorum for the transaction of business.

Proposed law provides that at any meeting, the commission may consider and make recommendations on matters before it, including actions or proposed actions of the

governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government.

Proposed law provides that the commission will:

- (1) Adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. The rules and regulations relative to public notice and conduct of public meetings shall all conform with the Open Meetings Law.
- (2) Have official custody of all monies, funds, and accounts of the commission.

Proposed law provides that the commission may:

- (1) Sue or be sued.
- (2) Adopt, use, and alter at will a seal and bylaws.
- (3) Receive and expend funds made available to the commission and in accordance with a budget adopted as provided by R.S. 33:9100.12.
- (4) Enter into contracts or agreements with individuals or entities, private or public, to carry out its powers and duties and accomplish its purposes.
- (5) Purchase items and supplies which it deems instrumental to achieving its purposes.
- (6) Employ an executive director and staff.
- (7) Acquire, purchase, lease as lessee, and hold and use any property, immovable, movable, corporeal, incorporeal, or any combination thereof or any interest therein necessary or desirable for carrying out its purposes and sell, lease as lessor, transfer, or dispose of any property or interest therein acquired by it.
- (8) Construct, improve, maintain, repair, and operate facilities which it deems necessary or convenient to carry out its purposes.
- (9) Pledge all or any part of its revenues.
- (10) Perform or have performed any other function or activity necessary or appropriate to carry out its purposes.

Proposed law provides that there will be an executive board of the commission consisting of the commission's officers. The board will manage the affairs of the commission. However, the board will exercise no policymaking function, nor incur any indebtedness, nor obligate under contract, nor make any disbursement of funds of the commission, except as may have been specifically authorized by the commission.

Proposed law provides that the board will hold regular meetings and may hold special meetings at such times and places within the area as may be provided in the bylaws.

Proposed law provides that a majority of the members of the board shall constitute a quorum for the transaction of business.

Proposed law provides that the board shall keep and maintain minutes of all meetings and shall make a copy of such minutes available through the commission's secretary.

Proposed law provides that the executive director, with the concurrence of the commission, may hire staff and other personnel as may be necessary and do other acts as may be directed or authorized by the commission.

Proposed law provides that the commission may advise the governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government regarding all proposed matters of government policy which affect the area.

Proposed law provides that the governing authority, mayor, or applicable agency, department, board, commission, or other entity of local or state government will provide at least 30 days written notice to the commission officers of any intent to acquire or dispose of immovable property in the area or any intent to change the use of property owned or leased by the respective governmental entity in the area.

Proposed law provides that each local or state agency, department, board, or commission, prior to transmitting to the governing authority or other respective governmental entity any proposed revenue bond issuance, or before the formation of any final policy, decision, or guidelines with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting the area, the parish budget and goals and priorities, proposed changes in local or state government services delivery, and opening of any proposed specialty systems, will provide at least 30 days advance notice of the proposed action to each commission officer.

Proposed law provides that the issues and concerns raised in recommendation of the commission will be given great weight by the governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government.

Proposed law provides that the views of the commission will only be presented by an officer of the commission or by a commission representative.

Proposed law provides that no provision of proposed law is intended nor will be construed to impede, interfere with, delay, or supersede any regulatory authority of the governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government.

Proposed law provides that the commission will adopt an annual budget in accordance with the Louisiana Local Government Budget Act. The budget and all amendments will be subject to the approval of the governing authority. The commission will be subject to audit by the legislative auditor.

Proposed law provides that except as otherwise specifically provided in proposed law, the commission and executive board will be subject to the Open Meetings Law, the Public Records Law, and the Code of Governmental Ethics.

Proposed law provides that the governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government may provide the commission with staff support and assistance to enable the commission to perform its duties.

Proposed law provides that the commission will cooperate and may contract with local or state government or any agency, department, board, commission, or other entity thereof and may accept gifts, grants, and donations of property and money therefrom.

Effective August 15, 2009.

(Adds R.S. 33:9100.31-9100.43)